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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

ANTHONY W. PROFIT

CIVIL ACTION NO. 09-1838

VERSUS

JUDGE ROBERT G. JAMES

OUACHITA PARISH

MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record, and for the additional reasons stated in this Court's Ruling,

IT IS ORDERED THAT this action be STAYED under the following conditions:

- a. If Plaintiff intends to proceed with his claims, within thirty (30) days of the date the state court criminal proceedings against him have concluded, he must file a motion asking this Court to lift the stay.
- b. If the stay is lifted and the Court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994); if no such finding is made, the action will proceed at that time, absent some other bar to suit. *See Wallace v. Kato*, 549 U.S. 384 (2007).
- c. In light of the stay, Plaintiff should not file any more documents in this action until the state court proceedings have concluded.

IT IS FURTHER ORDERED that Plaintiff's Appeal [Doc. No. 33] of the Magistrate Judge's February 16, 2010 Order [Doc. No. 24] is DENIED.

MONROE, LOUISIANA, this 21 day of April, 2010.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE